

TWELVE PANELMEN

Have Seats in the Jury Box--A New Method

OF EXAMINATION WORKS WELL.

A Small Sensation Caused, Because the Court did not Reject a Man, Who Was Opposed to Capital Punishment, an Action that Had no Significance--The Jury Commissioners' List of Names Exhausted.

The proceedings in the Garrison case began again yesterday morning at twenty-five minutes to 10 o'clock. The attendance was very fair, considering the dry nature of the discussion. Sheriff Steenrod and his deputies had hustled half the night through, serving summonses on the citizens whose names had been drawn from the jury box yesterday afternoon, about ten summonses having been served on members of the audience at the Madame Rolla concert.

H. C. Franzheim was the first man to step up to be examined. He was prejudiced, and Capt. J. F. Morrison, H. F. Lange and J. A. Hess were affected the same way. H. C. Caldwell had personal feelings in the matter. Councilman M. J. O'Kane was over sixty years of age and claimed his privilege of exemption.

Louis Haller had strong opinions and prejudice, and bias was what ailed I. G. Dillon. W. H. Frank had the prevailing fixed opinion, and T. W. Jenkins had a mind not open to conviction. George Wiso had strong opinions, August Schuetz was one of those strong minded men who never change what they call their mind. George Kitson's opinion could not be changed by evidence, David Dingor was biased, and W. C. Stifel was excused on Kitson's plea. Frank Wright had a strong opinion, and so had J. W. Cunningham, while O. B. Porter was prejudiced.

Charles Conrad's mind was made up, Thomas Hanna had partiality, and Lewis Metzner had opinions. "You say you never change your opinions, Mr. Aul," said Judge Paul. "No," replied Charles Aul, sr., "I never do, and

"I CAN'T ON THIS CASE."

E. M. Holliday could not conscientiously go on the jury, as he had a bias, and T. M. Jones and Frank Stanton had fixed opinions. W. Callin had an unchangeable opinion; so had Clarence Laird. William Winchester's opinions were as strong as his religion, and E. B. Bowie was biased. R. R. Speers had an opinion and had warmly advocated it on different occasions. H. F. Jones was prejudiced, Alonzo Barkley had an opinion, a strong one, too, and H. Cecil and Cecil Robinson were in the same quandary. J. A. Lash, J. Bell, H. J. Whyte and R. Bullard were set in their opinions. B. F. Caldwell was over sixty years old and C. B. Reed thought Dr. Garrison had acted in self defense. C. H. Merkle had a fixed opinion, and William Harvey offered the same plea. W. D. Macy thought his personal feelings would interfere with the giving of a fair and impartial verdict. Louis Hoge was neither biased or prejudiced, nor was his opinion unchangeable, but he thought he could not conscientiously serve as a juror.

Among others excused were C. N. Hancher, J. E. Hughes, Robert Kyle, Frank Armbruster, John A. Reed and J. B. Willis. They all had either bias or strong opinions. Louis Zoeckler had been a particular friend to Dr. Baird. George Paul, J. R. Butts, William B. Exley and John Brill were excused on one or the other of the old but worn out pleas. A. P. Shallcross had known the defendant intimately, and Henry Speyer was prejudiced. T. A. Hoge said he had formed and expressed an opinion, but that this opinion was subject to any evidence that might be brought forward in a new trial. He was admitted to a seat in the jury box, being altogether the eighth man obtained and the only one

SO FAR THAT MORNING.

Ralph Kline, Edward Bayha and E. Buckman and Louis Buckman were prejudiced beyond recall and Henry Heimbricht said he had a strong feeling. After a half dozen others had been excused on the prevailing grounds, J. Kenney said he had a very friendly feeling for the defendant. August Warneke was another of the prisoner's friends, and James Ferrell was prejudiced and Richard Doneho had a fixed opinion. Edward Elliott felt friendly toward the defendant, and Henry Dougherty, J. A. Forgy and Henry Deming were prejudiced. Roman Dobler answered the court's first question by saying: "I do not believe in capital punishment."

"I did not ask you that," said the court, "but whether, if sworn as a juror, you could render a verdict according to the evidence, notwithstanding the opinion you have formed." The juror thought he could not, as his sympathies were all on one side.

In the opinion of several around the court house, the fact that Judge Paul continued to question Roman Dobler after he had confessed his opposition to capital punishment, settled the question raised by the counsel for the defense, that their client could not be tried a second time for murder in the first degree. This, however, does not necessarily follow. Almost at the very commencement of the examination of jurors the state asked that the usual questions pertaining to the statutory disqualification of jurors be asked. Judge Paul replied that it was not yet time to decide that question, and that after the full panel of twenty had been secured was time enough. As the defense claimed that the asking of the questions would immediately bring up a discussion of their plea, that the prisoner could not be tried a second time for

MURDER IN THE FIRST DEGREE.

Capt. Dovenor did not press the issue. It may be that the court will decide in favor of the defense's plea; it may be also that Judge Paul has determined to fill the panel of twenty first, intending to then ask the questions pertaining to statutory disqualifications. That he did not immediately stand aside Mr. Dobler, is no evidence that he has already decided in favor of the plea of the defense.

Albert Stolze said he had prejudice, while James McCann was biased and Theodore Wolff had a fixed opinion. Fred Nolte, a German, had the kind of an opinion, that no man in Wheeling could change. A. C. Ebeling, Martin Peblor and William Nesbitt were biased. Fred Luikert answered satisfactorily all questions put by the court, the state and the defense. He would have the proper regard for his oath as a juror, he said, and the opinion he had already formed could be changed by the evidence. He was the ninth panelman secured.

Morgan McColloch was disqualified on account of his relationship to Dr.

Baird, and Henry Schaefer, Albert Meder, Michael Kyder and M. A. Chew had fixed opinions. H. W. Redman claimed his exemption privilege, being over sixty years old, and C. Bachman and Wendel Slater had personal feelings. H. C. Connelly had a very pronounced opinion, Clem Davis a personal feeling and S. S. Bloch a prejudice.

James Bolley was a great friend to one of the parties and Louis Albright was biased. Either Dr. Baird or Dr. Garrison had been John Lutz's family physician, and he did not think he could render a fair and impartial verdict. John and Frank Frooze were biased and Dr. Baird had been one of J. S. Fraehl's great friends. Joseph Hlyding felt strongly biased and Nathan Venneman had a

STRONG UNCHANGEABLE OPINION.

H. W. Thurber could not take the oath, believing his opinion would prevent him from giving due weight to the evidence. H. C. Armstrong felt an ill will toward one or the other of the principals in the tragedy, and Henry Flood had a fixed opinion.

While the examination was going on Juror Frederick Bentz received a message that one of his children was ill. He went out to his home, accompanied by Deputy Zane, and returned in about an hour.

Henry Flood was the last man examined before dinner, and court then adjourned until 2 o'clock.

A VALUABLE METHOD

Of Obtaining Jurors--They Are Examined Separately.

When court convened again at 2 o'clock, Judge Paul adopted a new method of examination, and one that bore fruit. Instead of examining those summoned in each other's presence, the Sheriff was instructed to allow only one man at a time in the court room. Those who were to be examined were kept in the jury room, and were not called until the examination in progress in the court room was concluded. In this way each man was thrown on his own resources for excuses, and that excuses were not so easily formed was demonstrated by the fact that three men took their seats in the jury box between the hours of two and four o'clock.

The afternoon session was more interesting than that of the morning, and the answers of those examined were a little more varied.

Orville Carroll was the first man examined in the afternoon session. His mind was made up in such a manner that he was not sure he could render a fair and impartial verdict. John F. Sweeney was prejudiced and Thomas Davidson had expressed an opinion and it could not be changed. William Kemp had formed and expressed an opinion, and said if it was his, he would let the defendant go. He was excused. Mr. Gray had formed and expressed an opinion, and had been a very particular friend of Dr. Baird. Julius Hoos, the cornet player of the Opera House orchestra, was prejudiced and had been prejudiced since Dr. Baird and Dr. Garrison had the

FIGHT IN THE CITY BUILDING.

Joseph W. Bier had bias and prejudice, as Dr. Baird had been his family physician for thirty years. A. O. Maxwell would consider it his duty to listen to the evidence, but his opinion having been based on circumstances that preceded the killing of Dr. Baird, he was afraid it would influence any verdict he might form. John Reed knew it would be his duty to listen to the evidence and render a verdict accordingly, but having strong feelings in the matter, he thought it might interfere with his duty.

Charles Seidler had a strong opinion, and ex-Postmaster Simpson had read all the evidence and his mind was so strongly made up that he thought no evidence would change it. William H. Paul's opinion could not be overturned by any evidence. Valentine Bleifuss understood but little criminal court English and was excused. Michael Ziegler never changed his opinion.

"Never?" said the court.

The witness: "Never."

"Never?" repeated Judge Paul.

"No."

"You can go."

Frank Wagner said Dr. Baird had been his family physician. Samuel Kasley was called, and he stepped up and handed the court a physician's certificate. Mr. Kasley had been sick and was still weak, so the court excused him. William Huggins was afraid that evidence would not change his opinion. James Callahan said he did not believe in hanging a man, but in addition he said that he did not think evidence would change the opinion he had formed. S. Branden understood very little English, but he comprehended enough to have unchangeable opinions, and he was excused. Walter Beswick and J. L. Degant had strong opinions, and John Jaeger was prejudiced. August Berguson had read the evidence of the former trial and it

HAD NOT CHANGED HIS OPINION.

Raymond Bauer said he had "scrupulous" ideas, and James Frazier had formed an opinion that no evidence could change. Joseph Wagner could not go into the jury box and render an impartial verdict.

"Would you have no regard for your oath?" asked the court.

"No, sir."

"You would not?"

"Well, I don't think I could listen to the evidence."

J. W. Brunell had very strong opinions. H. F. Seabright was called in. The very first answer Mr. Seabright gave there was a stir in the court room. Here was a man who answered the questions of the court promptly and without evasion. "I have formed and expressed an opinion," said he, "but if sworn as a juror I could change that opinion, if I found I was wrong." Mr. Seabright was accepted by the court, and Senator Somerville, of counsel for the defense, took him in hand. He answered Mr. Somerville's questions and took his seat in the jury box.

Louis Voecker was excused, as he had an opinion that could not be changed. Matthew Hercules had expressed an opinion, which had undergone several changes; he thought he could listen to the evidence and render an impartial verdict, and was excused.

Charles Heil had strong opinions, and A. G. Marshall had no evidence could change his mind. Robert Purcell had strong opinions that he did not think any evidence would change. Wharfmaster John Crookard had made up his mind long ago. Fred Beckendorf said his fixed opinion could not be changed. Louis Grosscurth said he was biased. W. H. Wheat said his opinion was firmly set, and that he could not be governed solely by the evidence that would be introduced in the new trial. Wilbur Biggs was afraid his feelings would act upon him so that he might not give a fair and impartial verdict.

A SENSIBLE MAN ON THE STAND.

W. H. Williams said he had formed and expressed an opinion, and that Dr. Baird had been his family physician from 1853 to 1873. He thought he could obey the dictates of his duty, if sworn as a juror, and that he could give a fair and impartial verdict. Taken in

hand by Senator Somerville, Mr. Williams said he felt satisfied in his own mind that the fact of Dr. Baird's having been his family physician years ago would not bias him against the defendant. Mr. Williams was accepted and took his seat in the jury box alongside the eleven already there.

Of the 200 names drawn Tuesday afternoon there remained only about fifty to be examined. In the meantime deputy sheriffs were scouring the city and picking up whoever they could. At a quarter to four o'clock twelve men had been secured, and it seemed as if the completion of the panel was not so far off after all.

C. H. Abercrombie had an opinion. He was also in business, and was afraid he would not keep his mind off his business long enough to concentrate it on the business. Mr. Abercrombie was excused. Undertaker Blatchly was excused, as his opinion already formed would so affect his judgment, that he was not sure he could render a verdict fair and impartial according to the evidence. Court remained open until ten minutes to five, and Sheriff Steenrod asked for an adjournment until 9 o'clock this morning. All jurors who have been summoned and who have not yet reported, will find it to their interest to report at the court room in Part II this morning at 9 o'clock, as they will probably be fined if they are not on hand.

About fifty citizens have escaped jury duty so far this term by the mere stroke of fortune.

On Tuesday afternoon the box, with the names of citizens deposited therein by the jury commissioners, was emptied of its last name. When the deputies made the rounds with the summonses they found that about fifty of the names were wrong, some being with more and some with less initials and middle names than was written on the summons. The only way these citizens can be brought into court for examination, is on a "pick up," a verbal summons, with orders to report to court. The twelve now on the panel are Jacob Koller, J. M. Dowler, William H. Mahone, Charles Hathaway, James A. Burkett, Anthony Fisher, Frederick Bentz, T. A. Hoge, Frederick Luikert, H. F. Seabright, Matthew Humes and W. H. Williams.

A SUCCESSFUL BAZAAR

Given by the Young Men's Organ Society of the Zion Church.

The bazaar and social given last night by the Young Men's Organ Society of the Zion Evangelical Lutheran church was a most successful affair. All afternoon Arion hall was crowded, and the ladies in charge of the refreshment and other stands met with splendid success in disposing of the articles they had for sale. Supper was between the hours of five and nine o'clock, and Mrs. C. Schnepf and her corps of fifty lady assistants were kept busy furnishing food to the hungry.

In the evening the crowd was particularly large, and the sightseer had to elbow his way through the crowd to make any headway. In the evening the beautiful decorations of the various booths showed to great advantage, and many encomiums were bestowed on the graceful and artistic decorations. The booth in the center of the room was decorated in the national and German colors, and those at the sides of the hall with streamers and evergreens. The ladies wore their prettiest costumes, and the fancy dresses of the Sunday school children were appropriate to the gay surroundings.

Much interest centered in the gold watch contest, the rivals being Miss Lizzie Kraft and Miss Annie Nolte. Miss Kraft turned in \$124.90 and got the watch, and Miss Nolte, who collected \$105.75, received consolation in the shape of a very handsome silver watch.

All the ladies worked hard, but Mrs. C. Schnepf and Mrs. Fred Schwertfeger attended to most of the preliminary work. Mr. H. F. Nolte was treasurer and Mr. F. D. Friedrich secretary. Mr. C. Schnepf made himself generally useful and did valuable work. It was estimated last night that \$700 would be cleared. The tables were in charge of the following:

Soft drink table--Misses Amelia Specht, Louisa Rolf, Minnie Nolte, Lizzie Nolte, May Nolte and Katie Pepper. Fish pond--Messrs. C. Schneidtmueller, Charles Kettler, Henry Gieseler, John Nolte and Charles Fisk. Orange tree--Misses Nellie Fette, Annie Hackmann and Lillie Kraft. Fancy table--Misses Amelia Schwertfeger, Lena Meier, Lizzie Kraft, Annie Juergens and Lena Krause. Flower booth--Misses Helona Schwertfeger, Clara Kraft, Lizzie Nolte and Lulu Carl. Taffy table--Misses Mary Jericho, Emma Ketter and Mary Hanke. Ice cream stand--Misses Ziezier, Christine Jericho, Mary Peblor, Rosa Hackmann, Mary Soldan, Lizzie Jaehne and Louisa Maurer. Ring target--Misses August Nolte, Fred Becker and Charles Idahl. Guessing table--Misses Nellie Beck, Tillie Schaefer, Mary Trosch, Lena Meier and Mary Krause. The Sunday school table was in charge of Misses Clara Kraft, Lizzie Maurer, Lizzie Kettler and Bertha Carl, who were assisted by Sunday school pupils.

The supper table was in charge of Mrs. Christian Schnepf, who was aided by fifty other ladies, who channeled off every two hours. The apron table was presided over by Mrs. Fred Schwertfeger, assisted by twenty other ladies.

Mr. Garvin Acquitted.

Mr. T. M. Garvin had his preliminary hearing yesterday afternoon before United States Commissioner B. J. Campbell, on the charge of illegal use of the mails. The case grew out of the organization of the West Virginia Fire and Marine Insurance Company. Nobody who knew Mr. Garvin believed any guilt attached to him, and it was expected he would be triumphantly acquitted. This was the result. As soon as the United States district attorney heard the evidence he asked the commissioner to discharge Mr. Garvin, and it was done. There was not the slightest case against him.

To Consider Liquor Licenses.

The Council committee on appeals and remonstrances will be called to meet this evening to consider the four applications for liquor licenses disapproved by it and re-referred by the Council. Why they were sent back to the committee, which had already passed on them, is a problem. If anybody is interested in keeping the licenses from being issued he should give the committee his reasons at to-night's meeting.

The Doctors Are Giddy.

Grave mistakes are made by physicians in treating heart disease. The rate of sudden death is daily increasing. Hundreds become victims of the ignorance of physicians in the treatment of this disease. One in four persons has a diseased heart. Shortness of breath, palpitation and fluttering, irregular pulse, choking sensation, asthmatic breathing, pain or tenderness in side, shoulder or arm, weak or hungry spells, are symptoms of heart disease. Dr. Miles' New Heart Cure is the only reliable remedy. Thousands testify to its wonderful cures. Books free. Sold by Logan Drug Co.

LOCAL BREVITIES.

Matters of Minor Moment in and about the City.

THE GRAND this evening--"The Merry Cobbler."

Wild flower outings are getting to be popular diversions.

Mr. J. N. Vance yesterday bought at public sale the Hottelford real estate, paying for it \$11,000.

A high board fence is being built around the Cathedral parish school lot, on Byron and Thirtieth streets.

The sale of reserved seats for Modjeska's engagement opens at C. A. House's music store this morning.

MARY GREEN was hauled to the lock-up again by Officer West yesterday afternoon, and she fought all the way. The wrestling bears again gathered in a good many dollars in loose change about the streets yesterday, amusing large crowds.

ALREADY SWARMS of bugs are seen flying about the electric light globes. What will be seen about the mid-summer nights?

AGUST MYER, of the Eighth ward, will be appointed extra policeman vice John Ritz, promoted to the regular force to fill the vacancy caused by Henry Frohmo's resignation.

The office of the superintendent of the Cleveland & Pittsburgh railroad has been removed from Wellsville to Cleveland, and now there is talk of moving the shops from Wellsville.

CLECK HOOK yesterday admitted to record a deed made April 11 by George A. Wickham and wife to Mrs. William Scatterday, in consideration of \$1,100, for lots 26 and 27 in block 1 in the old fair grounds.

LAST evening the induction from the electric light wires into the telephone wires was so bad in some places that the phones could not be used. The conduits were not allowed a day too soon. The INTELLIGENCER's telephone was one of those disabled.

YESTERDAY Julius Lohse, with the assistance of his scores of friends, celebrated his fifty-eighth birthday and his completion of twenty-five years in business. He was called on by several societies, and there was much music and mirth. He set a fine spread.

THE young ladies of the Zane street church will hold a bazaar and social at the G. A. R. hall to-morrow. Dinner will be served from 11 to 2, and supper from 5 to 8. The young ladies having charge of the affair will appear in costumes representing the different nationalities. Refreshments will be served during the evening.

ABOUT PEOPLE.

Strangers in the City and Wheeling Folks Abroad.

N. M. Bennett, of Glenville, stopped at the Stamm yesterday.

Chief Clerk John Schellhase, of the post office, went to Pittsburgh yesterday.

Rev. Joseph Lee, of the Wesley M. E. church, has been given a leave of absence of six weeks for a vacation.

Mrs. J. Blackshere and Mrs. N. D. Beatty, of Mannington, and Master C. W. Lege, of Shepherdstown, all of this state, were at the Windsor last night.

Mrs. Kate Michel-Fitzgerald will sing Thursday night at the musicale to be given by the Ladies' Hebrew Benevolent Society at the Mercantile club rooms.

O. L. Holliday, of Moundsville, John B. Hastings, of Parkersburg, and A. J. Spurr, traveling passenger agent of the Chicago, Burlington & Quincy railroad, were at the McLure yesterday.

Mr. H. P. McGregor and family leave to-day on an extended western trip. Mr. McGregor goes as a lay delegate from this state to the General Conference of the Methodist church, to be held in Omaha.

Among the West Virginians registered at the Bohler yesterday were J. F. Hindman and William Forsyth, of Sistersville; J. W. Chesney, of Middlebourne; A. Courtirt and wife of Parkersburg; J. W. Wiltshire, of Burton, and D. B. Taylor, of Parkersburg.

SHOULD BE COL. POORMAN.

Congressman Pearson thinks that is the only fair thing.

Judge Pearson, the Democratic congressman from Monroe county, Ohio, wants to try it over with Col. Poorman. He says, speaking of the colonel: "He made the race against me last time in a Democratic district, in which he was put up to lead a forlorn hope. The contest between us, though sharp and spirited, was fair and friendly throughout. Now the district is made Republican, I think it is a matter of simple justice that Col. Poorman should be given the chance in a Republican district, which he earned two years ago by running in a Democratic district."

"I know how I would feel if I had made a race in a hopeless district and then when the district was readjusted, so as to make success likely, I should be passed by for another. I would be mighty sore, and I should let it be known. If I should be chosen to make the race again I do not know a stronger man in the district to run against than Colonel Poorman; but I am speaking as a fellow citizen who loves fair play, when I say Colonel Poorman has earned the nomination."

Knights Templar's Banquet.

Last night an especially interesting convocation of Wheeling commandery, Knights' Templar, was held, at which eight Masons were made Knights. After the initiation about forty knights, old and new, repaired to the Hotel VanKeuren, where the proprietor had prepared an especially appetizing banquet. All enjoyed the repast thoroughly. It was a credit to Mr. VanKeuren's taste and his cuisine alike.

Ran away from Home.

Richard Rose, the fourteen-year-old son of Tom Rose, of the Eighth ward, ran away from his home yesterday. He was traced to Steubenville, and the police there were requested to arrest and hold him.

A child named Mays, aged three and one-half years, whose parents live in the Eighth ward, was lost yesterday, and it was several hours before any trace of her was found.

A FULL line of E. C. Burt's celebrated fine shoes just received.

L. V. BLOD, Sole Agent.

MARRIED.

JARVIS-CLARKE--On Wednesday, April 27, 1892, at St. Luke's Church, by Rev. Jacob Brethmann, WILLIAM JACOBSON, Jarvis, of Chicago, and ELIZA CLARKE, daughter of William Willis Jarvis, of Atlanta, Ga.

DIED.

WASHINGTON--On Wednesday, April 27, 1892, at 10:30 o'clock p. m., HANNAH ELIZABETH, wife of George W. Washington, in the 32d year of her age.

Funeral notice hereafter.

LOUIS BERTSCHY,

(Formerly of Frew & Bertschy).

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MOTHER'S FRIEND WAISTS.	Mother's Friend Waists for boys. A full line at all prices, but a regular 60c Waist this week at 35c. Don't miss this.
LACE CURTAINS.	Our line of Curtains is the largest in the State, but this week we offer 200 pairs of Nottingham Lace Curtains at 85c per pair that always sold for \$1.50.
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